

EASTERN DISTRICT OF TEXAS

It is therefore **ORDERED** that the magistrate judge’s report and recommendation (Doc. No. 57) is **ADOPTED**; and the Defendants’ “Motion to Dismiss” (Doc. No. 46) is **GRANTED**.

Plaintiffs Mike Livingston and Sharon Livingston's claims are dismissed with prejudice. The unnamed class members' claims are dismissed without prejudice. A final judgment will be entered separately.

SIGNED at Beaumont, Texas, this 11th day of September, 2014.

A handwritten signature in black ink, reading "Marcia A. Crone". The signature is written in a cursive style with a large, stylized "M" and "C".

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE